

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Changes have been made to the drawings, which now make the specification and drawings consistent. Marked-up copies of the drawings showing changes in red are submitted herewith. Formal drawings incorporating the changes are also submitted herewith.

Claims 1-10 are pending in the application. Claims 4, 5, 6, 7, 9, and 10 herewith are amended. Claims presently active are claims 1-10.

Claims 4, 5, 6, 7, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 4, 5, 6, 7, 9, and 10 have been rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 1-3 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima in view of Yamanaka et al., further in view of Kashiwazaki et al., further in view of Nagae et al., and further in view of Kondo et al. The rejection is traversed. It is the conclusion of the Examiner that "It would have been obvious to one of having ordinary skill in the art at the time the invention was made to include the required plurality of holes structure, bonding structure, space between bonding structure, and the optical adhesive structure in Tajima as taught by Yamanaka et al., Kashiwasaki et al., Nagae et al., and Kondo et al., respectively, in order to have a liquid crystal display device with better performance."

In establishing a *prima facie* case of obviousness, the Examiner must establish a motivation for combining the references. The suggestion to combine the references must come from the references and must be identified by the Examiner. Failure of the Examiner to provide the necessary suggestion and motivation will create a presumption that the

combination of the references selected by the Examiner to support the obviousness rejection were based on hindsight using the application as a roadmap. In the office action mailed May 21, 2003, the Examiner did not provide his motivation or suggestion for combining the references. Further, aspects of four unrelated references disclosing unrelated technology were combined to produce the obviousness rejection. As noted below, the technology of several of the references could not be used to implement the invention as claimed. For example, several of the references disclose technologies that cannot be used in the active area of an optical device. Since this is a necessary aspect of the technology disclosed in the instant application, the technology disclosed in the reference could not be used or make obvious the information disclosed and claimed in the instant application.

It is clear that the references disclose different technologies that could not be combined into a working invention without using the instant application as a roadmap and even after doing so, the technology in the references could not be combined into an operating invention. For example, Tajima discloses the fabrication of an optical panel, while Kashiwazaki discloses the use of spacers in an ink jet technology. How the spacers in Kashiwazaki would be combined to work with the optical panel disclosed in Tajima is not evident from the disclosures or the Examiner's office action. In addition, how these two different technologies would be combined to meet the limitations of the claims is not apparent to the Applicant and has not been detailed by the Examiner. Further, without the use of the Applicants' disclosure and invention as claimed, there is no suggestion or motivation in the references to combine these substantially different technologies to meet the limitations of the claims.

Applicants take the position that the Examiner has not provided the suggestion or motivation in the references to combine and or modify the references. Further, the references were combined in hindsight using the Applicants' disclosure as a roadmap, which is impermissible. For example, Tajima discloses a method for producing an optical device for a DVD and CD application. Tajima discloses interconnecting optical

substrates with conductive adhesives outside the active area of an optical device. The joining materials disclosed in Tajima cannot be present in an optical path. Further, the materials used for filling the holes in Tajima are outside of the optical path. Since the instant application is directed to a liquid display element that is used in an optical path, the technology disclosed in Tajima could not be used in the instant application. As a result, the technology disclosed in Tajima would destroy the objective and render inoperable the technology disclosed in the instant application.

Yamanaka discloses the creation of contact holes between stacked layers and providing electrical interconnection between these layers. First, the Examiner does not identify the motivation for combining these two references. Secondly, Yamanaka discloses techniques for hole formation and not a technique for filling vias as disclosed and claimed in the instant application.

Kashiwazaki discloses a method for dispensing an adhesive and depositing spacer beads. Once again, the Examiner does not provide where in Tajima and/or Yamanaka individually or in combination there is a suggestion or motivation for combining the technology disclosed in Kashiwazaki with Yamanaka. Further, Kashiwazaki discusses spacers in the context of ink jet technology, which is substantially different from the liquid crystal display element disclosed and claimed in the instant application.

The Examiner does not present where in Tajima, Yamanaka, and/or Kashiwazaki individually or in combination there is a suggestion or motivation for combining the technology disclosed in Nagae with Yamanaka and/or Kashiwazaki. Nagae, discloses a process for forming a seal region in liquid crystal display panels. Once again, the instant application is directed to novel aspects of a liquid crystal display element not a process for forming a seal region.

The Examiner does not provide where in Tajima, Yamanaka, Kashiwazaki, and/or Nagae individually or in combination there is a suggestion or motivation for combining the technology disclosed in Kondo with Yamanaka, Kashiwazaki and/or Nagae. Kondo discloses bonding two elements together for lightwave applications. Kondo

discloses substantially different technology than the technology disclosed in the instant application because Kondo uses a photo process to create a spacer for liquid crystal technology sealing rather than beads as disclosed in the instant application.

The instant application discloses and recites the use of standoffs to control the gap between first and second transparent substrates. Claims 2 and 3 disclose the use of spacers and an adhesive to attach the standoffs. The adhesive deposition process and standoff configuration are substantially different from the technology disclosed in the references taken individually or in combination.

The LCD Element disclosed and claimed in the instant application is patentably distinct from the technology disclosed in the cited references. A few of the key features that distinguish the invention, as disclosed and claimed, from the references are provided below:

1. An LCD element is disclosed, the element is used in the manufacture of an LCD device.

2. The references fail to disclose the process of filling a plurality of vias that are present in an optical path or active areas of an LCD panel, as recited and claimed in the instant application. Instead, the references disclose the implementation of a conductive path.

3. The cited references fail to disclose the plugged via height requirements recited and claimed in the instant application. The plugged via height requirements enables aspects of the present invention without effecting the functionality of the LCD panel.

4. Lastly, a standoff requirement is recited and claimed in the instant application. The standoff is required to sufficiently fill the via diameter without effecting the performance to the LCD panel.

In view thereof, it follows that the subject matter of the claims would not have been obvious given Tajima in view of Yamanaka et al., further in view of Kashiwazaki et al., further in view of Nagae et al., and further in view of Kondo et al. at the time the invention was made.

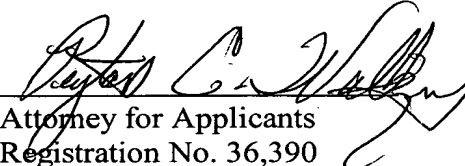
Applicants, therefore, respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

In view of the foregoing remarks and amendment, the claims 1 - 10 are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,


Attorney for Applicants
Registration No. 36,390

Peyton C. Watkins/djw
Rochester, NY 14650
Telephone: (585) 588-2728
Facsimile: (585) 477-4646

Enclosures: Replacement Figure
Annotated Sheet Showing Changes
Letter to the Draftsperson
Copies of Formal Drawings

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.